

Amendment No. 5 to HB2146

Jones U
Signature of Sponsor

AMEND Senate Bill No. 2133

House Bill No. 2146*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-13-113, is amended by adding the following language as new subsection (d):

(d)

(1) Notwithstanding provisions of subsections (b) and (c) to the contrary, a charter school shall conduct an initial student application period of at least thirty (30) days. During the initial student application period, students meeting the requirements of § 49-13-106(a)(1)(A)-(D) shall be given priority. If the number of students seeking to be enrolled who meet the requirements of § 49-13-106(a)(1)(A)-(D) exceeds the school's capacity or the capacity of a program, class, grade level or building, then the enrollment of students meeting the requirements of § 49-13-106(a)(1)(B)-(D) shall be determined on the basis of a lottery. If the number of students seeking to be enrolled who meet the requirements of § 49-13-106(a)(1)(A)-(D) does not exceed the capacity of a program, class, grade level or building, then, after the initial student application period, the charter school may enroll students in such program, class, grade level or building who meet the requirements of § 49-13-106(a)(1)(E). If the number of students seeking to be enrolled who meet the requirements of § 49-13-106(a)(1)(E) exceeds the school's capacity or the capacity of a program, class, grade level or building remaining after the initial student application period has ended, then enrollment for

students meeting the requirements of § 49-13-106(a)(1)(E) shall be determined on the basis of a lottery. Any lottery required to be conducted under this subsection (d) shall be conducted within seven (7) days after the end of the initial student application period. After the initial student application period, a charter school with unfilled capacity in a program, class, grade level or building may enroll any student seeking enrollment in such program, class, grade level or building who meets the requirements of § 49-13-106(a)(1)(A)-(E).

(2) A charter school shall provide to the department of education certification by an independent accounting firm or by a law firm that each lottery conducted for enrollment purposes complied with the requirements of this subsection (d). In lieu of such certification, a charter school may request that the department of education review and approve the lottery process.

(3) The charter school shall comply with the Family Education Rights and Privacy Act (20 U.S.C. § 1232g) with respect to the publication of any list of students' names before, during or after the enrollment and lottery process.

(4) The provisions of this subsection shall only apply in LEAs in which students are eligible to enroll in charter schools pursuant to § 49-13-106(a)(1)(E).

(5) The state board of education shall promulgate rules and regulations concerning enrollment lotteries to be conducted under this subsection (d). All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.